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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,420	08/29/2006	Paul Royston Harvey	PHNL040110US	4397

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P. O. Box 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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ROZANSKI, MICHAEL T

ART UNIT	PAPER NUMBER
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3768

MAIL DATE	DELIVERY MODE
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08/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,420	<b>Applicant(s)</b> HARVEY ET AL.	
	<b>Examiner</b> MICHAEL T. ROZANSKI	<b>Art Unit</b> 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/29/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ho et al (US 6,963,768 –cited by applicant as EP1362550) or Balloni et al (US 6,725,077 –cited by applicant as EP1220153).

Ho et al disclose whole body MRI scanning method and apparatus with a moving table and interactive control. The invention provides for whole body screening screening, which comprises acquisition of a low resolution whole-body plan scan image. Within this initial screening image, particular regions are studied in greater detail to identify tumor characteristics (i.e. patient is moved to image high resolution target in region of optimum performance of the MRI system). Specifically, scanning parameters can be changed to allow interactive high resolution/tumor specific characterization or inspection of subsequent regions (col 1, line 66-col 2, line 30). Operator console 12, which includes input device 13, control panel 14, and display screen 16, provides a GUI

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to allow the operator parameters such as direction of table, acquisition plane, number of sections, intersection spacing, and scan location (see Abstract, Figure 1).

Alternatively, Balloni et al disclose an apparatus and method including acquiring a localizer image of the body of a patient (i.e. low resolution) via whole-body RF coil (col 4, line 5) that is provided as a reference frame or starting point from which high resolution target images can be prescribed. The localizer image is displayed on a GUI, wherein the operator then specifies acquisition parameters for the target images to be acquired. The orientations and locations of the scan planes associated with the target images are prescribed relative to the orientation and location of the localizer image (col 1, lines 24-46; col 2, lines 15-29; col 5, line 66-col 6, line 22).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al or Balloni et al as applied to claims 4 and 13 in view of Van Der Meulen et al (cited by Applicant).

Ho et al or Balloni et al disclose all features of the current invention but do not specifically describe optimizing parameters with respect to a SAR model and/or peripheral nerve stimulation model. However, Van Der Meulen et al teach of MRI

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pulses that are optimized with respect to SAR in order to optimize the imaging pulse to make the process more efficient (col 1, lines 51-64 & Abstract). It would have been obvious to modify Ho et al or Balloni et al, to optimize the acquisition parameters as taught by Van Der Meulen, in order to make the process more efficient.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al or Balloni et al as applied to claim 1 in view of Smith (cited by Applicant).

Ho et al or Balloni et al disclose all features of the current invention but do not specifically describe pattern recognition to automatically identify parts of the body. However, Smith teaches of pattern recognition to distinguish between tissue types and improving the resolution of the tissue of interest. It would have been obvious to modify Ho et al or Balloni et al, to provide for pattern recognition for better tissue differentiation as taught by Smith, in order to improve the resolution of the target tissue.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. ROZANSKI whose telephone number is (571)272-1648. The examiner can normally be reached on Monday - Friday, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric F Winakur/  
Primary Examiner, Art Unit 3768

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